



October 11, 2022

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT
441 4th Street, N.W.
Suite 210 S
Washington, DC 20001

Subject: **STATEMENT OF THE APPLICANT**
Modification of Significance BZA 17963
4975 South Dakota Ave NE

A. INTRODUCTION

This statement is submitted on behalf of **4975 SOUTH DAKOTA ASSOCIATES LTD** (the “**Applicant**”), the owner of the property located at 4975 South Dakota Ave, NE (Square 3899, Lot 76) (the “**Property**”). The property is located in the MU-3A zone and is currently a convenience store.

The BZA #17963 application was filed by Euclid of Virginia, LLC to reconstruct the existing convenience store with a fuel station with three pumps and a canopy over the pumps. Approval was granted on June 29, 2010.

The convenience store Use in the MU-3A zone is permitted as a Matter-Of-Right Use. The gasoline service station within twenty-five feet of a residential zone requires a Board of Zoning Adjustment approval per the zoning sections Subtitle U-511.1 (f), and Subtitle X-901.2.

The applicant hereby proposes to amend the previously approved BZA #17963 by keeping the existing convenience store and site modifications to the proposed gasoline canopy, fuel dispenser layout, and entrances. The intended spirit of use and intent per approved BZA 17963 will remain.

B. THE NATURE OF RELIEF SOUGHT

The Applicant requests that the Board of Zoning Adjustment (the “BZA” or the “Board”) approve the following special exception relief.

- Proposed use as a fuel station within twenty-five feet (25ft) of a residential zone, Subtitle U-511.1 (f) and Subtitle X-901.2

C. JURISDICTION OF THE BOARD

The Board has jurisdiction to grant the requested relief pursuant to Subtitle U-511.1 (f) and Subtitle X-901.2



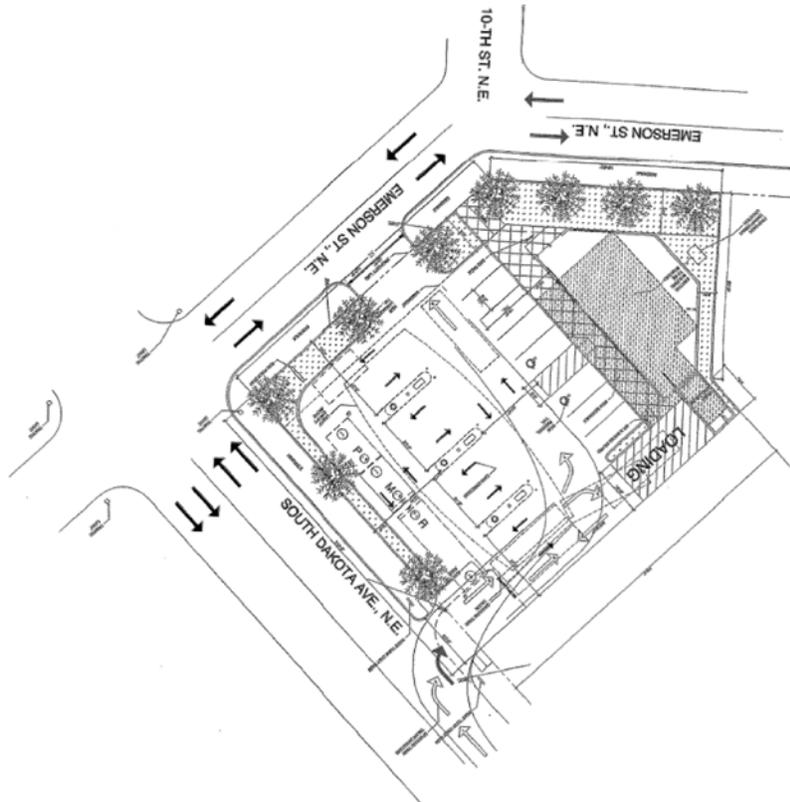
D. DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA

The property is located in the MU-3A zone with 15,748 square feet of land area. It is an irregularly shaped lot with a frontage on Emerson Street, South Dakota Avenue, and Delafield Street, NE. There are currently three existing curb cuts at the site, two at South Dakota Ave and one at Emerson Street. The site abuts a self-service fuel station branded “SUNOCO”. Across the street from the site are a McDonald’s, a restaurant, a dry cleaning establishment, and a beauty parlor. The site is separated from the neighboring residential district (R-2) by Delafield and Emerson Streets.

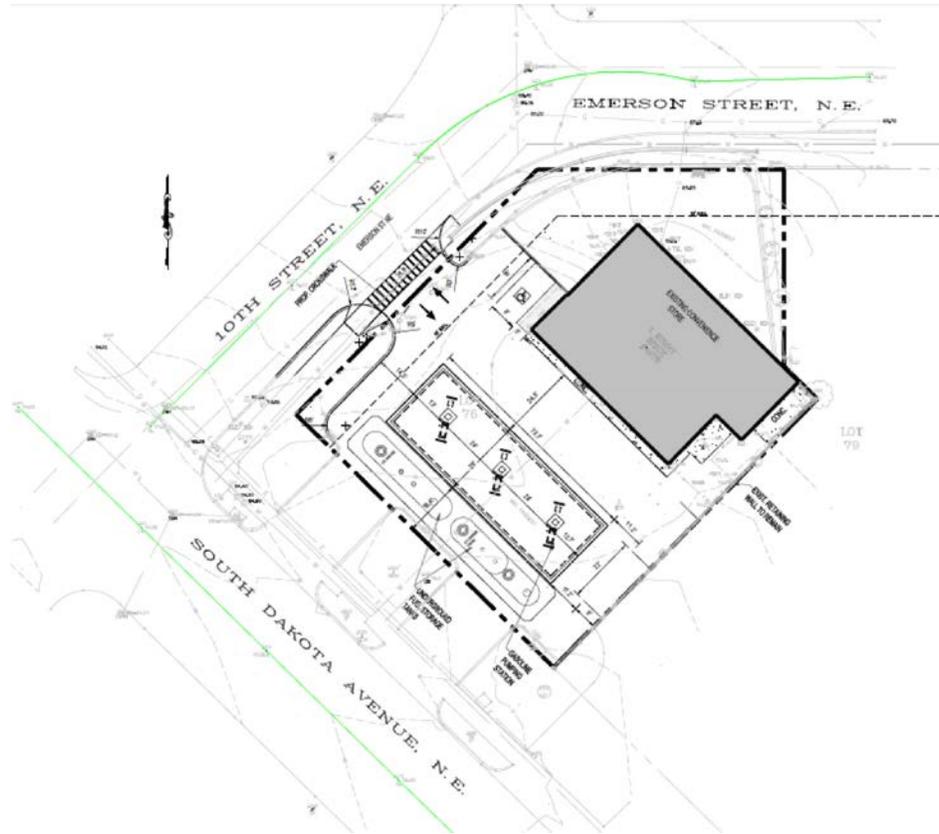
E. DESCRIPTION OF THE PROPOSED PROJECT

The applicant hereby proposes to amend the previously approved BZA #17963 by retaining the existing convenience store and site modifications to the proposed gasoline canopy, fuel dispenser layout, and entrances. No changes to the existing drainage system and boundaries are proposed. The intended use per approved BZA 17963 remains. However, this layout reduces the originally approved impervious footprint thereby, fostering an environmentally better and less intense development.

Please note that the project does not propose any work that will impact the adjacent landscaping. All work will remain onsite. Please find below the previously approved site layout and proposed site layout.



APPROVED SITE PLAN PER BZA #17963



PROPOSED SITE LAYOUT

F. SPECIAL EXCEPTION REQUIREMENTS PER Subtitle U-511.1 (f), Subtitle X-901.2

I. Subtitle U § 511.1(f)

Pursuant to Subtitle U-511.1(f) of the Zoning Regulations, the gasoline service station to be established or enlarged, is subject to the following conditions:

1. The station shall not be located within twenty-five feet (25 ft.) of a residential zone or unless separated from the residential zone by a street or alley;
2. The operation of the use shall not create dangerous or other objectionable traffic conditions; and
3. Required parking spaces may be arranged so that all spaces are not accessible at all times. All parking spaces provided under this subsection shall be designed and



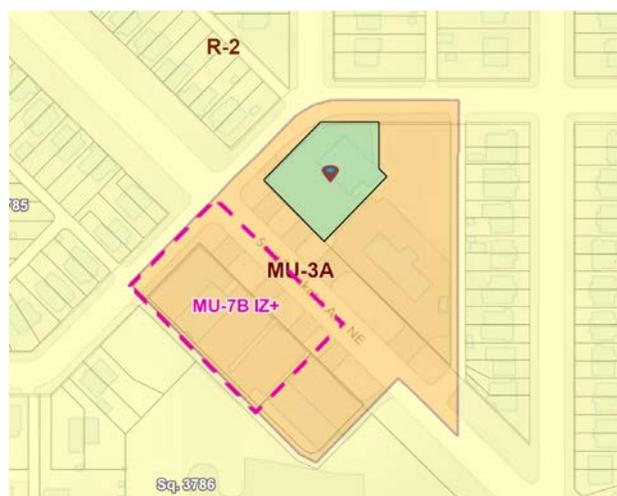
operated so that sufficient access and maneuvering space is available to permit the parking and removal of any vehicles without moving any other vehicle onto public space;

The Applicant hereby addresses the aforementioned conditions below:

The proposed gasoline service station with three pumps and a canopy over the pumps is previously approved per BZA#17963. The site is zoned MU-3A. The adjacent residential zone R-2 along the north side is separated by streets along Delafield Street NE, and Emerson Street NE. The residential zone R-2 along the east side is separated by a driveway or alley. The gasoline service station “SUNOCO” zoned MU-3A exists along the SE side of the property. The site abuts zone MU-3A across the street South Dakota Ave, NE.

The self-service gasoline station would be situated to permit a free flow of traffic onto the site for access to the existing convenience store in the same manner per the currently approved application, BZA #17963. A traffic study was conducted as a part of the previously approved BZA#17963. There is no aspect of the physical characteristics of the property which would inhibit the flow of traffic or cause any adverse impact on the traffic of South Dakota Ave.

The existing convenience building will remain. The parking spaces shown on the site plan are designed to be accessible at all times without moving any other vehicles to the public space.



ZONING MAP



II. Subtitle X-901.2

Pursuant to Subtitle X-901.2 of the Zoning Regulations, the Board is authorized to grant special exception relief where, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps; will not tend to affect adversely, the use of a neighboring property.

The existing convenience store will remain thereby maintains the existing harmony with the adjacent zone. The proposed fuel station with three dispensers/pumps and a canopy over the pumps is previously approved per BZA#17963. The proposed scope will maintain the required setbacks. Hence, granting the special exception will retain all aspects such as use and harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, and will not tend to adversely affect the use of neighboring properties.

G. CONCLUSION

For the reasons stated above, this Application meets the requirements for the Special Exception approval by the Board. We hope you will agree that the minor changes we propose, which greatly improve the current convenience store layout towards the adjacent properties. This revised layout does indeed, upholds the spirit and intent of the previously approved site layout. The applicant respectfully requests that the Board grants the requested modification of significance approval.

Regards,

Bhoopendra Prakash, PE
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No. DATE: REVISIONS ▼

No.	DATE:	REVISIONS ▼

PROJECT INFORMATION:

OWNER'S NAME:
4975 S DAKOTA AVE NE
WASHINGTON, DC 20017

DEVELOPER INFORMATION:
4975 SOUTH DAKOTA
ASSOCIATES LTD
9921 MAYFIELD DR
BETHESDA, MD 20817

DRAWING TITLE:
EXISTING SITE PLAN

AREA: 15,748 SF

SCALE: AS SHOWN

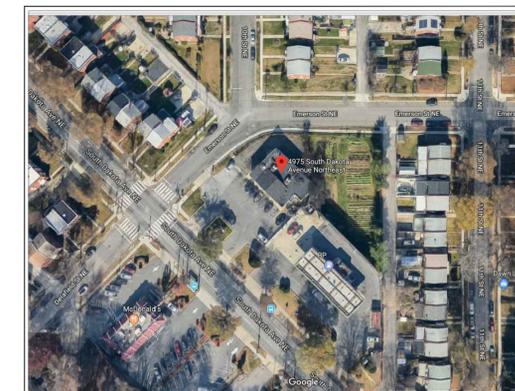
PROJECT MANAGER:
BP

DRAWN BY:
BJ DATE:
SEPTEMBER 2022

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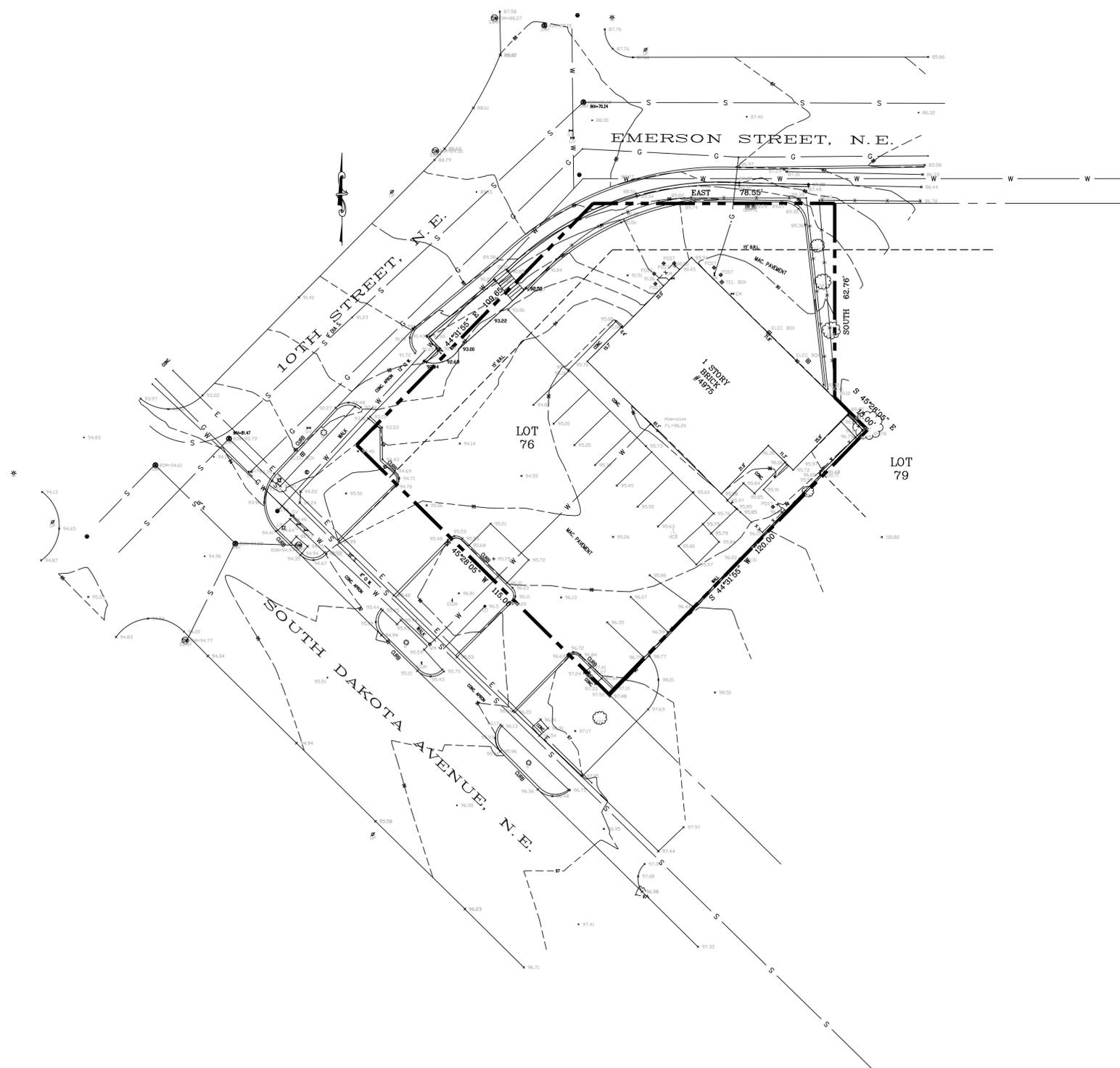
AERIAL VIEW



VICINITY MAP

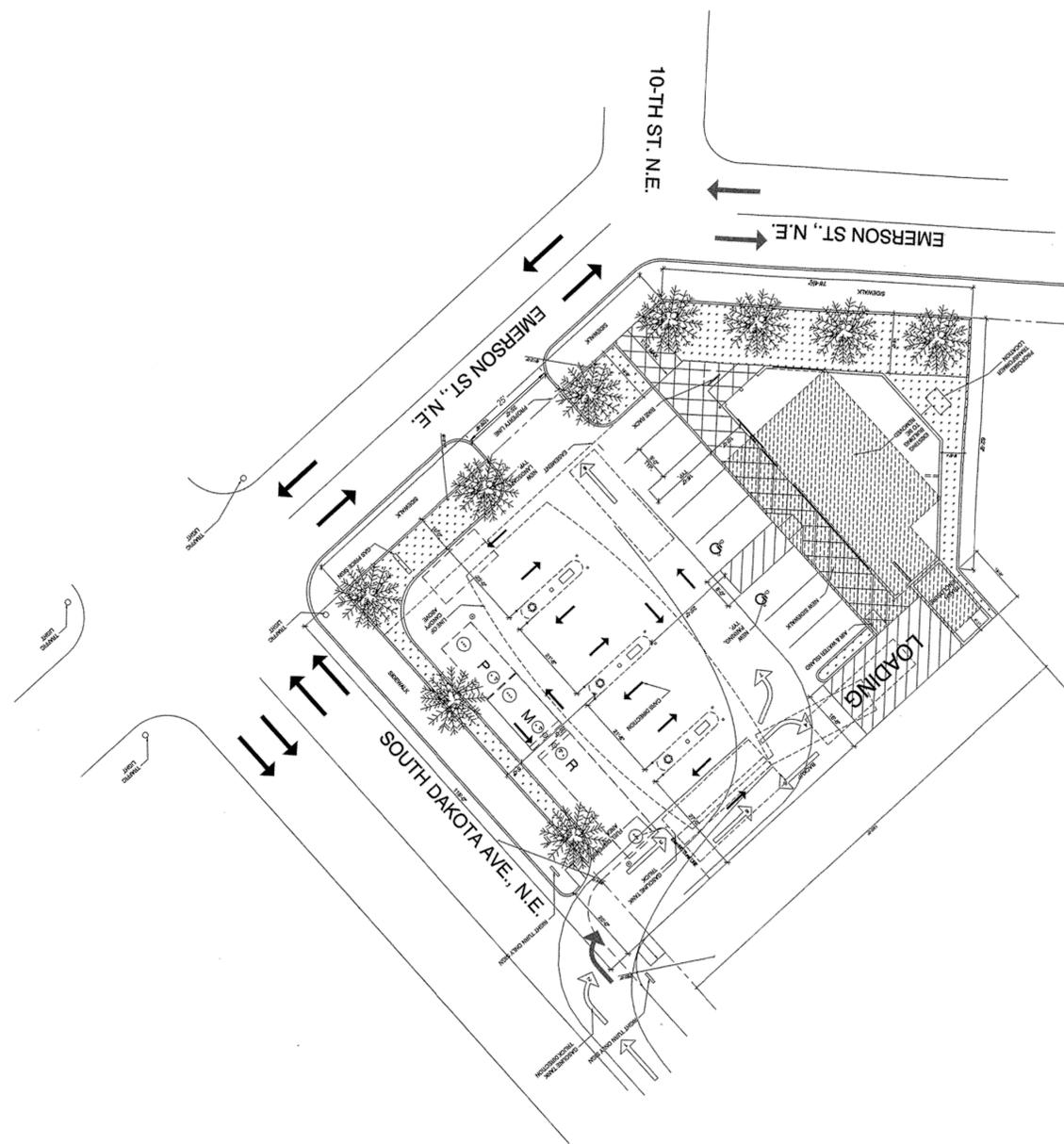
SCALE: NTS

SITE LEGEND	
+	SIGN
+	SPOT ELEVATION
⊗	LIGHT POLE
⊙	WATER MANHOLE
⊙	SEWER MANHOLE
⊙	MANHOLE
⊙	ELECTRIC MANHOLE
⊙	TREE
⊙	STORM WATER INLET
—	SEWER LINE
—	WATER LINE
—	GAS LINE
—	ELECTRIC LINE
▨	CONCRETE SIDE WALK
▨	CURB AND GUTTER
▨	RETAINING WALL

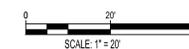


EXISTING SITE PLAN

SCALE: 1" = 20'



SITE LAYOUT PER APPROVED BZA# 17963



CIVIL ENGINEERS:



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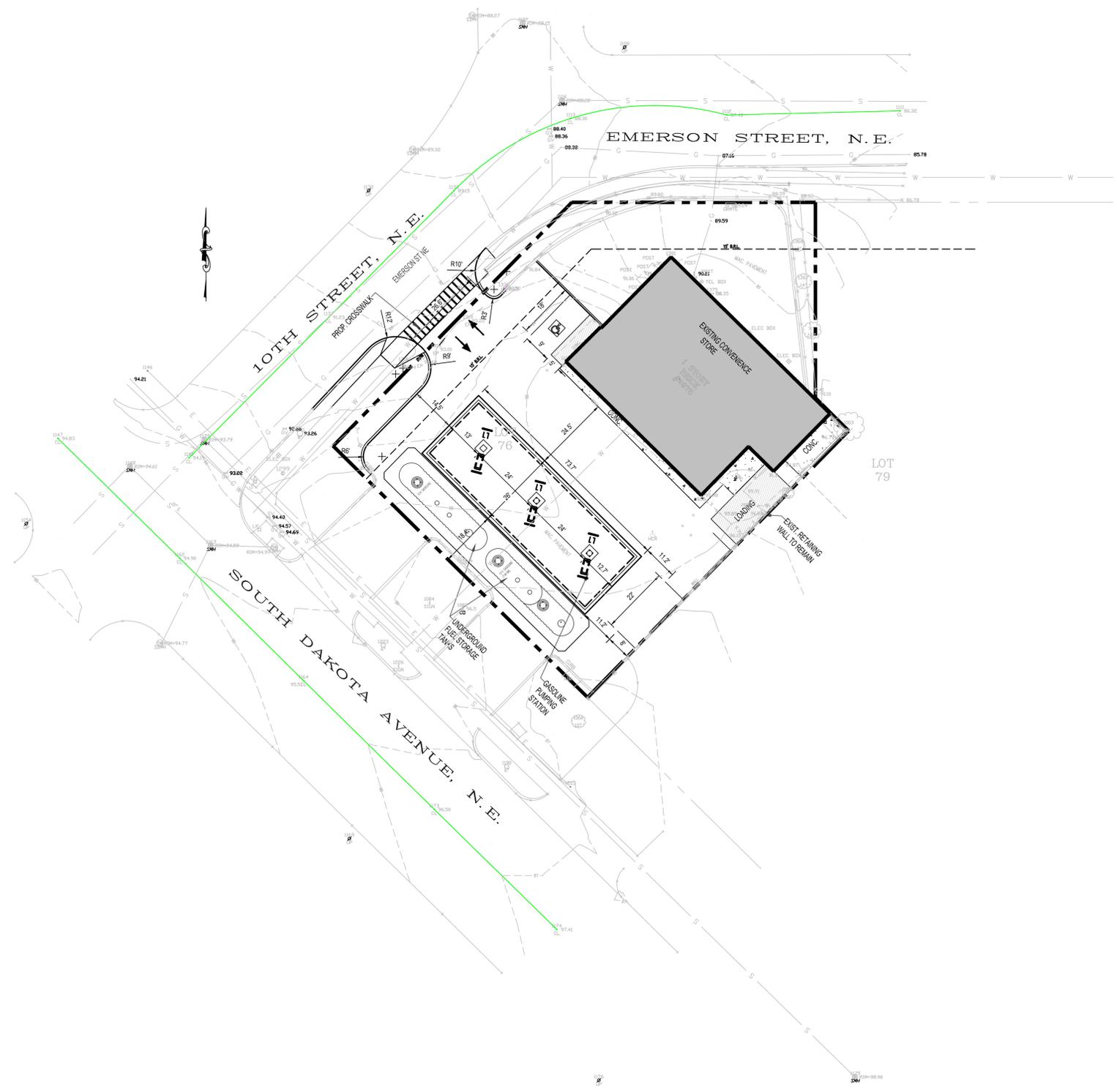
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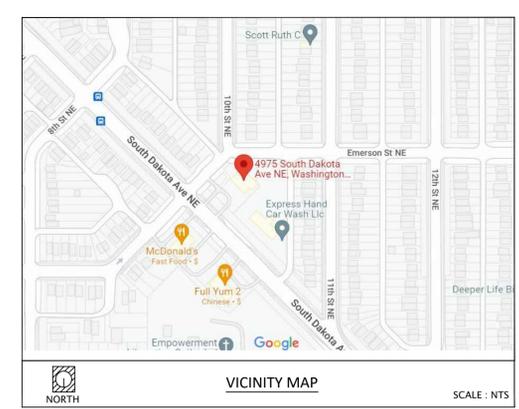
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PROPOSED SITE PLAN



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+	SIGN
+	SPOT ELEVATION
⊗	LIGHT POLE
⊙	WATER MANHOLE
⊙	SEWER MANHOLE
⊙	MANHOLE
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